

EXECUTIVE ORDER NO. 20-60

PROCLAMATION OF STATE OF EMERGENCY TO SUPPORT ONGOING RECOVERY FROM CATASTROPHIC WILDFIRES

On August 20, 2020, pursuant to ORS 401.165 *et seq.*, I declared a statewide State of Emergency due to the imminent threat of wildfire, in Executive Order 20-35.

Shortly thereafter, over the Labor Day weekend, a significant windstorm occurred, followed by a series of catastrophic wildfires that erupted across significant portions of the state. These wildfires caused widespread injury to property, human suffering, financial loss, and also, tragically, loss of life. Significant impacts of these fires were felt in the following counties: Clackamas, Douglas, Jackson, Klamath, Lane, Lincoln, Linn, Marion and Tillamook Counties.

In accordance with Executive Order 16-07, which sets out the State's emergency response framework, and the state of emergency declared in Executive Order 20-35, the Governor's Disaster Cabinet and Economic Recovery Council have been convened to guide recovery efforts and Volume 4 of the state's Comprehensive Emergency Management Plan: The Oregon Recovery Plan has been activated. All seven State Recovery Functions have been activated to support the implementation of the Recovery Plan.

On September 9, 2020, I requested a federal emergency declaration; the president approved that request the following day. On September 14, 2020, I requested additional federal assistance via a Major Disaster Declaration. The president approved that request on September 15, 2020.

Although the fires have now been largely contained, emergency response work is continuing, and the work of recovery in the impacted counties has just begun. The State of Oregon is entering intermediate and long-term recovery operations following an historic and devastating 2020 wildfire season as well as a severe windstorm that impacted much of our state beginning on Labor Day. Local, state, and federal agencies, as well as non-profit organizations and the private sector continue to provide support to disaster survivors and rebuild communities that were impacted by these unprecedented fires.

Recovery operations continue to support debris management, disaster housing, economic recovery, the provision of social and behavioral health services, cultural and natural resource protection and stabilization, and maximizing federal investment in Oregon's recovery while prioritizing equity across all programs and program delivery that is inclusive of Oregon's black, indigenous, people of color, non-English

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speaking, and economically disadvantaged populations, regardless of immigration status.

Furthermore, Oregon continues to respond to the COVID-19 outbreak, which will add complexity to wildfire recovery operations that are focused on providing housing, social, and other recovery services to survivors of these wildfires.

Oregon Revised Statutes Chapter 401 provides specific statutory provisions designed to facilitate the State's response to emergencies, and I believe that continuing the activation of these statutes by declaring a continuing emergency will facilitate the critical response and recovery efforts in the aftermath of these unprecedented fires.

NOW, THEREFORE, IT IS DIRECTED AND ORDERED:

1. Declaration of Wildfire Disaster Emergency: Pursuant to ORS 401.165, I proclaim and declare that due to the wildfire activities described above, an emergency has occurred, and continues to exist based on the ongoing needs associated with ongoing emergency response and recovery operations from the Labor Day windstorm and subsequent wildfires described above ("wildfire disaster emergency"). The geographic scope of this wildfire disaster emergency ("disaster recovery area") includes: Clackamas, Douglas, Jackson, Klamath, Lane, Lincoln, Linn, Marion and Tillamook Counties.
2. Agencies to Support Recovery: All agencies of the state government will utilize and employ state personnel, resources, and facilities for any and all emergency response and recovery activities as requested by the Oregon Office of Emergency Management or the Governor's Office to mitigate, and recover from the effects of, the wildfire disaster emergency. Coordinating and supporting agencies and organizations for the seven State Recovery Functions are directed to develop and implement goals and objectives in alignment with the Oregon Recovery Plan and to support policy directives from the Governor's Disaster Cabinet and Economic Recovery Council.
3. ODOT to Conduct Debris Removal: Pursuant to ORS 401.168 and 401.178, the Oregon Department of Transportation (ODOT) will clear and remove debris or wreckage due to the wildfire and windstorms, as described in ORS 401.178, and is the lead agency for performing these cleanup activities. ODOT may authorize other state agencies to perform this work and direct those agencies in performing the work and using state resources. ODOT is authorized to conduct procurements and enter into contracts and agreements to perform any tasks necessary to

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effectuate clearance or removal operations. ODOT may enter into agreements under ORS 190.110 with Oregon's nine federally recognized tribes to assist with debris removal in Indian Country if requested by a tribe. ODOT will require that any work performed under this Executive Order, including through procurements or agreements, is conducted in a way that is sensitive to and protective of cultural resources and in compliance with ORS 97.745. Any state employee or individual employed by a party that has entered into a contract or agreement with ODOT is appointed by the Governor and authorized to perform duties necessary to the removal of debris or wreckage.

4. COVID-19 Precautions: Recovery staff, emergency managers, disaster relief workers, and all other recovery support personnel should take every possible precaution when managing or conducting mitigation and recovery operations to prevent the spread of COVID-19 or other communicable diseases while protecting our communities from the threat of wildfire and facilitating the recovery efforts. The Oregon Health Authority may provide guidance and assist with mitigating the spread of COVID-19 at disaster recovery facilities and disaster survivor support centers.
5. Rule Suspensions: During this wildfire disaster emergency, the Governor may suspend provisions of any order or rule of a state agency if strict compliance with the provisions of the order or rule would in any way prevent, hinder, or delay mitigating the effects of or enabling the recovery from this year's wildfires or the Labor Day windstorm. A state agency seeking suspension of an order or rule should send a request at: <https://www.oregon.gov/gov/Pages/OAR-temporary-suspensions-application.aspx>.
6. Requests for Assistance: Public entities and federally recognized tribes located in the disaster recovery area may request assistance through the Emergency Management Assistance Compact if needed. Any local government requests for state resources must be submitted through county governing bodies to the Office of Emergency Management pursuant to ORS Chapter 401.
7. Additional Use of ORS Chapter 401 Authorities to Support Recovery: Pursuant to this declaration of a wildfire disaster emergency, and pursuant to the Governor's emergency powers set forth in ORS chapter 401, the Governor may issue additional directives, as necessary, for responding to the wildfire disaster emergency and recovery needs.



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8. Discretion; No Right of Action: Any decision made by the Governor pursuant to this Executive Order is made at her sole discretion. This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of Oregon, its agencies, departments, or any officers, employees, or agents thereof.
9. Legal Effect: This Executive Order is issued under the authority conferred to the Governor by ORS 401.165 to 401.236. Pursuant to ORS 401.192(1), the directives set forth in this Executive Order shall have the full force and effect of law, and any existing laws, ordinances, rules, and orders shall be inoperative to the extent they are inconsistent with this exercise of the Governor's emergency powers.
10. Executive Order 20-35 Rescinded: Executive Order 20-35 is hereby rescinded, and replaced with the directives in this Executive Order.
11. Duration: This Executive Order shall remain in effect until it has been determined by the Governor that state agencies can continue supporting recovery efforts without the need for emergency authorities to overcome barriers to a quick and efficient statewide recovery. This Executive Order will be reviewed not later than one year from today to determine whether it remains necessary.

Done at Salem, Oregon, this 28th day of October, 2020.

Kate Brown
GOVERNOR

ATTEST:

Bev Clarno
SECRETARY OF STATE

